

**PATENT APPLICATION DECLARATION**

(Attorney's Docket No.: TNCR.178US0)

COPY

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the attached patent application entitled "SYSTEM AND METHODS FOR CLASSIFYING ANOMALIES OF SAMPLE SURFACES," and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Additionally, the undersigned hereby appoints Kevin P. McAndrews, Reg. No. 34,496 and the practitioners of Majestic, Parsons, Siebert & Hsue P.C. who are associated with the Customer Number provided below to prosecute this patent application, to transact all business in the U.S. Patent and Trademark Office connected therewith, to receive the original Letters Patent, and to substitute or associate other attorneys on his behalf. I further direct that all correspondence be addressed to that Customer Number.

Customer No:



**020227**

PATENT TRADEMARK OFFICE

Date: May 3, 2000

Wayne Chen  
WAYNE CHEN

Residence and 3905-B Middlefield Road  
Post Office Address: Palo Alto, California 94303  
Citizenship: U.S.A.

Date: \_\_\_\_\_

\_\_\_\_\_  
ANDREW ZENG

Residence and 121 Beaumere Way  
Post Office Address: Milpitas, California 95035  
Citizenship: Canada

Date: May 3, 2000

Mustafa Akbulut  
MUSTAFA AKBULUT

Residence and 146 Beacon Drive  
Post Office Address: Milpitas, California 95035  
Citizenship: Turkey

## Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of an / claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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KLA-TENCOR, WAFER

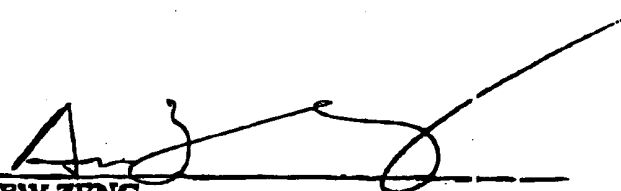
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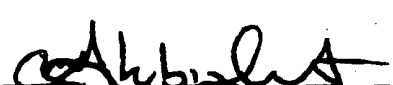
Date: \_\_\_\_\_

**WAYNE CHEN**  
Residence and 3905-B Middlefield Road  
Post Office Address: Palo Alto, California 94303  
Citizenship: U.S.A.

Date: May 4<sup>th</sup>, 2000

  
**ANDREW ZENG**  
Residence and 121 Beaumont Way  
Post Office Address: Milpitas, California 95035  
Citizenship: Canada

Date: May 3, 2000

  
**MUSTAFA AKBULUT**  
Residence and 146 Beacon Drive  
Post Office Address: Milpitas, California 95035  
Citizenship: Turkey



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 18, 2000

PTAS

MAJESTIC, PARSONS, SIEBERT & HSUE P.C.  
JAMES S. HSUE  
4 EMBARCADERO CENTER, SUITE 1100  
SAN FRANCISCO, CALIFORNIA 94111-4106



\*101362061A\*

**COPY**

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/04/2000

REEL/FRAME: 010789/0222  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

CHEN, WAYNE

DOC DATE: 05/04/2000

**ASSIGNOR:**

ZENG, ANDREW

DOC DATE: 05/04/2000

**ASSIGNOR:**

AKBULUT, MUSTAFA

DOC DATE: 05/03/2000

**ASSIGNEE:**

KLA-TENCOR CORPORATION  
160 RIO ROBLES  
A CORPORATION OF THE STATE OF  
DELAWARE  
SAN JOSE, CALIFORNIA 95134-1809

SERIAL NUMBER: 09566352

FILING DATE: 05/04/2000

PATENT NUMBER:

ISSUE DATE:

010789/0222 PAGE 2

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Box Assignments  
Hon. Commissioner of Patents and Trad  
Washington, D.C. 20231

05-19-2000



101362061



05-04-2000

**RDATION FORM COVER SHEET -- PATENT**

(Form PTO-1595)

U.S. Patent & TMO/TM Mail Rpt. Dt. #31

1525 U.S. PTO  
09/566352  
05/04/00

Please record the attached original documents or copy thereof:

1. The names of the conveying parties are WAYNE CHEN, ANDREW ZENG and MUSTAFA AKBULUT.
2. The name of the party receiving the interest is KLA-TENCOR CORPORATION, a corporation of the State of Delaware, having a principal place of business at 160 Rio Robles, San Jose, California 95134-1809.
3. The nature of the attached document is an Assignment, which was executed on May 3, 2000; May 4, 2000; and May 3, 2000, respectively.
4. In connection with:

09/566352

The patent application being filed herewith, by inventors WAYNE CHEN, ANDREW ZENG and MUSTAFA AKBULUT, with a Declaration attached thereto executed by said inventors on May 3, 2000; May 4, 2000; and May 3, 2000.

5. The name and address to whom all correspondence concerning this matter should be mailed is:

James S. Hsue  
MAJESTIC, PARSONS, SIEBERT & HSUE P.C.  
4 Embarcadero Center, Suite 1100  
San Francisco, California 94111-4106  
Telephone: (415) 248-5500  
Telefacsimile: (415) 362-5418

6. A total of one application is involved in this request.
7. The fee of \$40.00 is enclosed to cover the costs of recordal.
8. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 13-1030.

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05/15/2000 Pallen

04 FC:581

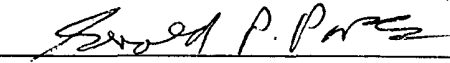
9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

MAJESTIC, PARSONS, SIEBERT & HSUE P.C.

Dated: May 4, 2000.

Atty. Docket: TNCR.178US0



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Gerald P. Parsons, Reg. No. 24,486

The total number of pages including cover sheet, attachments, and document is five (5) pages.

**ASSIGNMENT**

WHEREAS, WAYNE CHEN, a resident of Palo Alto California, ANDREW ZENG, a resident of Milpitas, California and MUSTAFA AKBULUT, a resident of Milpitas, California, hereinafter referred to as "Assignors," have invented certain new and useful improvements as described and set forth in an application for Letters Patent of the United States entitled "SYSTEM AND METHODS FOR CLASSIFYING ANOMALIES OF SAMPLE SURFACES" with a Declaration attached thereto that was executed by Assignors respectively on the 3rd day of May, 2000, and on the 4th day of May, 2000, and on the 3rd day of May, 2000:

WHEREAS, KLA-TENCOR CORPORATION, a Corporation of the State of Delaware, having a place of business at 160 Rio Robles, San Jose, California 95134-1809, hereinafter referred to as "Assignee," desires to acquire the entire right, title and interest in and to said application, said invention, said improvements and all Letters Patent which may be granted thereon in the United States or any foreign country;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by Assignors,

1. Assignors hereby sell, assign, transfer and convey to Assignee the entire worldwide right, title and interest in and to said application, said invention and said improvements, and in and to any and all Letters Patent on said invention and improvements that may be granted by the United States or any foreign country, including any divisions, substitutions, continuations in whole or in part, conversions, reissues, additions or extensions thereof, said interest to be held and enjoyed by Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this Assignment and transfer not been made.

2. Assignors hereby warrant, covenant and represent that they have not heretofore granted any license, right or privilege with respect to said application, invention or improvements, or in any other way encumbered the same, and that they have the full right to make this Assignment.

3. Assignors further agree that at the request and expense of Assignee, but without charge to said Assignee, they will promptly execute all papers necessary or desirable to perfect ownership of said invention, improvements, applications or said Letters Patent, in said Assignee, and will execute all oaths and other papers, within the truth, that are necessary or desirable

for prosecuting said application, for use in interference proceedings involving said invention or improvements, for refiling said applications, for filing of said divisional, substitution, continuation or continuation-in-part applications covering said invention or improvements which are deemed necessary or desirable by Assignee, for reissuance or reexamination of said Letters Patent, or for the filing in foreign countries of applications for Letters Patent covering said invention or improvements.

4. The terms, covenants and provisions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignors, their heirs, legal representatives and assigns.

IN TESTIMONY WHEREOF, I have executed and delivered to Assignee this instrument this 3<sup>rd</sup> day of May, 2000

Wayne Chen  
WAYNE CHEN

IN TESTIMONY WHEREOF, I have executed and delivered to Assignee this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
ANDREW ZENG

IN TESTIMONY WHEREOF, I have executed and delivered to Assignee this instrument this 3<sup>rd</sup> day of May, 2000

Mustafa Akbulut  
MUSTAFA AKBULUT

06/03/00 WED 18:33 FAX 408 571 2800

KLA-TENCOR, WAFFER

001

007  
002

for prosecuting said application, for use in interference proceedings involving said invention or improvements, for refiling said applications, for filing of said divisional, substitution, continuation or continuation-in-part applications covering said invention or improvements which are deemed necessary or desirable by Assignee, for reissuance or reexamination of said Letters Patent, or for the filing in foreign countries of applications for Letters Patent covering said invention or improvements.

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WAYNE CHEN

IN TESTIMONY WHEREOF, I have executed and delivered to Assignee this instrument this 4<sup>th</sup> day of May, 2000

ANDREW ZENG

IN TESTIMONY WHEREOF, I have executed and delivered to Assignee this instrument this 3<sup>rd</sup> day of May, 2000

MUSTAFA AKBULUT

DATEI N4.272 01.05.00 20:54 CODE: